

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

CIVIL ACTION
Case No. 20-cv-00237-JDL

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ED FRIEDMAN,

Plaintiff

vs.

CENTRAL MAINE POWER,

Defendant

* * * * *

ZOOM DEPOSITION OF: DAVID C. BENTON, M.D.

BEFORE: Melissa L. Merenberg, RPR, Notary
Public, in and for the State of Maine, on February 3,
2022, beginning at 8:45 a.m.

APPEARANCES

David Lanser, Esq.	For the Plaintiff
Christopher C. Taintor, Esq.	For the Defendant
Maureen McCrann Sturtevant, Esq.	For the Witness

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DEPONENT: DAVID C. BENTON, M.D.

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EXHIBIT LIST

No. Marked	Description	Referred
1	Progress Notes	5
2	November 30, 2016 Letter	9
3	April 30, 2020 Letter	15
4	April 30, 2020 Letter	16
5	October 17, 2013 Test Results	7
6	September 4, 2010 Test Results	-
7	Test Results	7
8	September 4, 2010 Test Results	16
9	October 25, 2010 Letter	17

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<p style="text-align: center;">3</p> <p>1 (This Zoom deposition was taken before Melissa L. 2 Merenberg, RPR, Notary Public, in and for the State of 3 Maine, on February 3, 2022, beginning at 8:45 a.m.) 4 * * * * *</p> <p>5 (Also present at the deposition was Tim 6 Connolly.) 7 * * * * *</p> <p>8 (The deponent was administered the oath by the 9 Notary Public.) 10 * * * * *</p> <p>11 <u>DAVID C. BENTON, M.D.</u>, called, after having been duly sworn 12 on his oath, deposes and says as follows: 13 EXAMINATION 14 BY MR. TAINTOR: 15 Q Good morning, Dr. Benton. Can you hear me okay? 16 A I can. 17 Q My name is Chris Taintor. I represent Central Maine 18 Power Company in a lawsuit brought by your patient, Ed 19 Friedman. 20 Have you ever testified in a deposition before? 21 A I have. 22 Q Okay. So you understand essentially how this is going 23 to happen. I'm going to ask you some questions, other 24 lawyers may have the chance to ask questions or to 25 object to questions, do you understand all that?</p>	<p style="text-align: center;">5</p> <p>1 MR. LANSER: This is Dave Lanser on behalf of 2 plaintiff, Ed Friedman. 3 THE WITNESS: Okay. 4 MR. CONNOLLY: I'm Tim Connolly. I'm one of the 5 in-house lawyers at Central Maine Power Company. 6 THE WITNESS: Okay. 7 MR. TAINTOR: And Melissa, of course, is the 8 court reporter, the most important person here, other 9 than yourself. 10 BY MR. TAINTOR: 11 Q Exhibit 1 is 142 pages of, I guess, what I would 12 characterize as progress notes. Are you able to 13 confirm that those are all of your progress notes from 14 the time you started treating Mr. Friedman until 15 today? 16 A I can't confirm that's everything, but just the 17 timeline. 18 Q Okay. So your most recent encounter with him was in 19 December of 2021; is that correct? 20 A That would be about accurate. 21 Q Okay. That's the first page of Exhibit 1? 22 A Mm-hmm. 23 Q And the -- what I have as your first encounter, I 24 think, is a note that starts at page 140 of Exhibit 1, 25 and that's dated October 2, 2013. Would you look at</p>
<p style="text-align: center;">4</p> <p>1 A Yes. 2 Q And you understand that the oath that you've just 3 taken is the same oath that you would take if you were 4 testifying live in a courtroom? 5 A Yes. 6 Q Because I'm a layman and I certainly don't understand 7 the medicine involved here and I hope not to get too 8 involved in it anyway, it's likely that I will ask you 9 questions that don't make sense to you and that 10 require restatement or clarification. Would you let 11 me know if that happens so that we're sure that you're 12 answering only questions that make sense to you? 13 A Okay. 14 Q I understand from reviewing the record of New England 15 Cancer Specialists that you have been Ed Friedman's 16 treating oncologist since 2013; is that correct? 17 A Yes, yeah. 18 Q And have you received the deposition exhibits that I 19 emailed to your attorney yesterday? 20 A Yes, the nine exhibits here. 21 Q Right. And Exhibit 1 is -- 22 A Just a moment. Can you -- can people identify 23 themselves here? 24 Q Sure. 25 A I don't know who you people are.</p>	<p style="text-align: center;">6</p> <p>1 that and -- 2 A Which page do you want me to look at, sir? 3 Q 00140. 4 MS. STURTEVANT: Actually, if you go to page 140 5 of the PDF, that's -- 6 THE WITNESS: Right. That's what I am looking 7 for. 8 That's a consultation note, so that would be 9 accurate in terms of when I first saw him. 10 BY MR. TAINTOR: 11 Q Okay. And so this says, He's here today for 12 consultation regarding persistent anemia. And I am 13 just trying to understand, it looks like shortly after 14 this encounter, you ordered some testing which 15 confirmed that Mr. Friedman has a form of 16 non-Hodgkin's lymphoma, correct? 17 A Correct. 18 Q Was this referral -- was this consultation the result 19 of a referral by Mr. Friedman's primary care 20 physician? 21 A That's usually how they get to me. I couldn't say -- 22 my note does not say who referred to it. There may be 23 another note that's a consultation -- you know, a page 24 that gets imported to the record that's, you know, 25 faxed from the primary care office, but in this note,</p>

<p style="text-align: right;">7</p> <p>1 it doesn't look like I identified who sent the patient</p> <p>2 here. It said that it is referred.</p> <p>3 Q Actually, it looks like on the next page you copied</p> <p>4 Marcus Deck. He is a primary care physician?</p> <p>5 A He is, yeah. That is who would be referring him. Ed</p> <p>6 is still a patient of Marcus Deck.</p> <p>7 Q Okay. And if we look at Pages 527 and 28, as well as</p> <p>8 570, are those the test results that confirmed or that</p> <p>9 established the diagnosis of malignant lymphoma?</p> <p>10 MS. STURTEVANT: So, Chris, you have those marked</p> <p>11 as Exhibits 5 and 7?</p> <p>12 MR. TAINTOR: That's probably true, yeah. Let me</p> <p>13 take a look at that. Correct.</p> <p>14 BY MR. TAINTOR:</p> <p>15 Q Exhibits 5 and 7 are the test results that confirmed</p> <p>16 or established the diagnosis of malignant lymphoma?</p> <p>17 A Right.</p> <p>18 Q Okay. And hoping to sort of streamline the deposition</p> <p>19 as much as I can without going through a whole bunch</p> <p>20 of records in sequence. Are you able to sort of</p> <p>21 recount for me the overall arc of Mr. Friedman's</p> <p>22 treatment and progress in the eight years or so that</p> <p>23 you have been treating him in terms of how he's done</p> <p>24 and what you've -- what treatment you have provided</p> <p>25 and how it's affected him?</p>	<p style="text-align: right;">9</p> <p>1 THE WITNESS: That sounds right.</p> <p>2 BY MR. TAINTOR:</p> <p>3 Q So from the time you diagnosed Mr. Friedman in October</p> <p>4 of 2013 until you wrote the letter, which is Benton</p> <p>5 Deposition Exhibit 2, dated November 30, 2016, had you</p> <p>6 noted in your treatment of him any cognitive</p> <p>7 impairment that he was experiencing?</p> <p>8 A No.</p> <p>9 Q I'm sorry, no you said?</p> <p>10 A Correct. No cognitive impairment that I was aware of.</p> <p>11 Q And over the course of that roughly three-year period,</p> <p>12 had you noted any memory impairment?</p> <p>13 A During the first three months of -- three years of</p> <p>14 treatment?</p> <p>15 Q Correct.</p> <p>16 A And this is a question of memory impairment versus</p> <p>17 cognitive impairment?</p> <p>18 Q Right.</p> <p>19 A I did not see any change in memory.</p> <p>20 Q And the reason I'm asking that is if we look at Benton</p> <p>21 Deposition Exhibit 2, which is your letter dated</p> <p>22 November 30, 2016 -- let me know when you have that in</p> <p>23 front of you.</p> <p>24 A I have it in front of me.</p> <p>25 Q Okay. The second paragraph of the letter says, We are</p>
<p style="text-align: right;">8</p> <p>1 A He presents with anemia that I believe to be</p> <p>2 multifactorial. There had been a recent accident,</p> <p>3 hospitalization, I believe for a broken hip. There</p> <p>4 was some question that it was iron deficiency that was</p> <p>5 contributing, and I treated that without much change.</p> <p>6 And then bone marrow biopsy, lymphoma. He was started</p> <p>7 on Bendamustine Rituximab, which he responded</p> <p>8 partially to.</p> <p>9 I think -- around the time I wrote that letter,</p> <p>10 that was in 2016, I would have to go back and look, he</p> <p>11 had a relapse, so the IGM levels started to go back</p> <p>12 up. He was started on ibrutinib, and that worked</p> <p>13 well. And he's been, I would say, controlled since</p> <p>14 then with some spikes when he goes off medication.</p> <p>15 Currently, he's on zanzabrutinib and still is</p> <p>16 responding to therapy.</p> <p>17 THE COURT REPORTER: Can you say that, what he's</p> <p>18 on now, again?</p> <p>19 THE WITNESS: It's zan -- I would have to write</p> <p>20 it down myself. Zanzabrutinib. I'll give you the</p> <p>21 spelling in a sec here. So ibrutinib is basically as</p> <p>22 it sounds, brut -- i-b-r-u-t-i-n-i-b and then</p> <p>23 zanzabrutinib, zan --</p> <p>24 MS. STURTEVANT: I've got it in the record as</p> <p>25 z-a-n-u-b-r-u-t-i-n-i-b.</p>	<p style="text-align: right;">10</p> <p>1 concerned that low-level non-ionizing radiation</p> <p>2 exposure of the type and levels emitted by</p> <p>3 Electromagnetic Frequency invoicing tools may</p> <p>4 exacerbate problems already experienced by my patient,</p> <p>5 including fatigue, cognitive difficulties, memory</p> <p>6 issues, and multiple cancer types.</p> <p>7 And what I think I understand you to have just</p> <p>8 said is that as of this date, you were not aware that</p> <p>9 Mr. Friedman had experienced cognitive difficulties or</p> <p>10 memory issues. Am I correct about that?</p> <p>11 A Correct.</p> <p>12 Q So I noted in the medical record that -- and if we</p> <p>13 look at Page 87 of Exhibit 1, Pages 87 and 88. Let me</p> <p>14 know when you have that.</p> <p>15 A 87. Okay. So I have got 87. I will just read that a</p> <p>16 moment.</p> <p>17 Q It really goes over on to 88.</p> <p>18 A Okay.</p> <p>19 Q Just let me know when you're all set.</p> <p>20 A Okay. Okay.</p> <p>21 Q So you note there at the top of Page 88 where you</p> <p>22 said, Reviewed letter to CMP, plan to make changes and</p> <p>23 get it back to the patient.</p> <p>24 A Mm-hmm.</p> <p>25 Q Is that referring to the letter that we have marked as</p>

<p style="text-align: right;">11</p> <p>1 Benton Deposition Exhibit 2?</p> <p>2 A Yes.</p> <p>3 Q So do you have a -- I take it you don't have a copy of</p> <p>4 the letter that -- well, let me ask the question</p> <p>5 differently. Am I to understand from this that</p> <p>6 Mr. Friedman came to you with a letter that he wanted</p> <p>7 you to send to Central Maine Power Company?</p> <p>8 A Yes.</p> <p>9 Q Do you have a copy in your file anywhere or anywhere</p> <p>10 in your possession or control that is the original</p> <p>11 letter that Mr. Friedman presented to you on or about</p> <p>12 October 5, 2016?</p> <p>13 A Not that I'm aware of.</p> <p>14 Q As you are sitting here today, do you have any memory</p> <p>15 of how the letter, which is marked as Benton</p> <p>16 Deposition Exhibit, 2 differed from the letter</p> <p>17 Mr. Friedman presented to you back in October of 2016?</p> <p>18 A I believe I was responsible for that first paragraph,</p> <p>19 that sounds like my wording. The second paragraph I</p> <p>20 soften to say, We're concerned, not the causation</p> <p>21 necessarily. And I put in the word may. And the</p> <p>22 third paragraph seems like it could come from either</p> <p>23 one of us.</p> <p>24 Q Okay. So when you say that you softened that</p> <p>25 paragraph to eliminate -- this is my paraphrasing,</p>	<p style="text-align: right;">13</p> <p>1 A Recently I can't recall talking about too much</p> <p>2 fatigue.</p> <p>3 Q Okay. So as of the time you signed this letter --</p> <p>4 well, first of all, do you remember having a</p> <p>5 conversation with Mr. Friedman about what you were and</p> <p>6 were not comfortable putting in the letter?</p> <p>7 A Yes.</p> <p>8 Q Can you describe that conversation for me?</p> <p>9 A Well, not a verbatim memory of the discussion, but</p> <p>10 just that I wasn't comfortable saying, you know, that</p> <p>11 EMF exacerbates problems already experienced. I said</p> <p>12 they may exacerbate.</p> <p>13 Q And before signing the letter, did you perform any</p> <p>14 research at all to support the proposition that EMF</p> <p>15 may exacerbate problems Mr. Friedman had already</p> <p>16 experienced?</p> <p>17 A No.</p> <p>18 Q Had you, prior to this date, ever advised Mr. Friedman</p> <p>19 to minimize his exposure to electromagnetic frequency</p> <p>20 radiation?</p> <p>21 A No.</p> <p>22 Q In the course of your practice, had you ever</p> <p>23 recommended to patients that they not have smart</p> <p>24 meters in their homes?</p> <p>25 A No.</p>
<p style="text-align: right;">12</p> <p>1 that you said, you softened the language to eliminate</p> <p>2 references to causation, what do you mean by that?</p> <p>3 A It means I don't know what caused his lymphoma.</p> <p>4 Q Did -- did the letter presented to you by Mr. Friedman</p> <p>5 suggest that -- I'll phrase the question differently.</p> <p>6 A It was a little bit more -- just a moment. I'm going</p> <p>7 to have to step out.</p> <p>8 Q Sure.</p> <p>9 (Whereupon there was a brief pause in</p> <p>10 deposition.)</p> <p>11 A He was a little bit more certain of things, but I</p> <p>12 forgot exactly what he said, but I remember putting in</p> <p>13 the word may.</p> <p>14 BY MR. TAINTOR:</p> <p>15 Q Okay. Okay. Is it fair to assume that since you had</p> <p>16 not noted any cognitive difficulties or memory issues</p> <p>17 that have been experienced by Mr. Friedman, that</p> <p>18 language would be his?</p> <p>19 A Yes.</p> <p>20 Q And then it refers to multiple cancer types.</p> <p>21 A I will stop you and just say those are Ed's words</p> <p>22 there.</p> <p>23 Q Okay. And I -- and he did -- he was complaining over</p> <p>24 the course of his treatment and probably still does</p> <p>25 complain of fatigue; is that true?</p>	<p style="text-align: right;">14</p> <p>1 Q When you signed this letter, were you even aware of</p> <p>2 what a smart meter was?</p> <p>3 A My understanding of a smart meter is that it's</p> <p>4 basically Wi-Fi network and that Central Maine Power</p> <p>5 is putting them in all homes.</p> <p>6 Q And I take it you had not formed any opinion as of</p> <p>7 November 30, 2016, on the question of whether exposure</p> <p>8 to electromagnetic frequency radiation from smart</p> <p>9 meters posed any sort of a risk to human health; is</p> <p>10 that true?</p> <p>11 MS. STURTEVANT: Objection to form and</p> <p>12 foundation, Chris. Maybe if we just keep it limited</p> <p>13 to this patient.</p> <p>14 MR. TAINTOR: Well, I think I would like to ask</p> <p>15 that broader question first.</p> <p>16 MS. STURTEVANT: Dr. Benton, if you can -- you</p> <p>17 can answer if you're willing to give that, you know,</p> <p>18 that opinion outside of Mr. Friedman's care.</p> <p>19 A I know in Mr. Friedman's care, he is extremely anxious</p> <p>20 about this issue, and I think that causes him stress.</p> <p>21 So I was hoping that he could live his life with</p> <p>22 cancer without that stress and, therefore, I asked for</p> <p>23 a reasonable accommodation. Why you all are pushing</p> <p>24 back on that, I have no idea.</p> <p>25 BY MR. TAINTOR:</p>

<p style="text-align: right;">15</p> <p>1 Q So are you upset to be here this morning, Doctor?</p> <p>2 A I don't enjoy it.</p> <p>3 Q Okay. My question is not about whether having --</p> <p>4 A You asked about health, right? So just pure physical</p> <p>5 health or mental health?</p> <p>6 Q No, let me sharpen the question. As of the time that</p> <p>7 you wrote this letter of November 30, 2016, had you</p> <p>8 ever formed the opinion that exposure to non-ionizing</p> <p>9 radiation from smart meters posed a risk to physical</p> <p>10 health of human beings?</p> <p>11 MS. STURTEVANT: Same objection.</p> <p>12 But you can answer, Doctor.</p> <p>13 A No. Although I do have patients who feel like they</p> <p>14 can feel it. That raises some question. But I have</p> <p>15 no research or data to support that in a published</p> <p>16 article.</p> <p>17 BY MR. TAINTOR:</p> <p>18 Q I want to ask you now about Benton Deposition Exhibit</p> <p>19 3. And that's a similar letter dated April 30, 2020.</p> <p>20 Do you have any memory of the circumstances</p> <p>21 surrounding your signing this letter?</p> <p>22 A No, I don't remember signing this letter. It looks</p> <p>23 like probably a copy that I wrote before; is that</p> <p>24 correct? Yeah, I don't know why this was reprinted.</p> <p>25 I don't know. I don't have memory of this issue in</p>	<p style="text-align: right;">17</p> <p>1 Dr. Castillo someone who has more expertise with</p> <p>2 Mr. Friedman's particular cancer?</p> <p>3 A He's a subspecialist in Waldenstrom's</p> <p>4 macroglobulinemia.</p> <p>5 Q Do you know whether Mr. Friedman continues to have a</p> <p>6 relationship or any treatment from Dr. Castillo?</p> <p>7 A Via me. You know, I email Jorge Castillo when I'm</p> <p>8 changing therapies, if I have questions. I don't</p> <p>9 think he's been down there in several years.</p> <p>10 Q Okay. And then Exhibit 9 is a letter from the</p> <p>11 National Cancer Institute to Mr. Friedman, 2010. Do</p> <p>12 you have a recollection of how this ended up in your</p> <p>13 file?</p> <p>14 A No.</p> <p>15 Q Do you have -- is it your belief that Mr. Friedman's</p> <p>16 Waldenstrom's is genetically transmitted, if that's</p> <p>17 the right term?</p> <p>18 A I don't know.</p> <p>19 Q Have you had any communications with Mr. Friedman</p> <p>20 about this litigation?</p> <p>21 A I knew he was talking about it for a while, and then I</p> <p>22 was contacted by his lawyer, but that's about the</p> <p>23 extent of our discussions on it.</p> <p>24 Q And what was the -- who was the lawyer that contacted</p> <p>25 you?</p>
<p style="text-align: right;">16</p> <p>1 2020.</p> <p>2 Q Okay.</p> <p>3 A My nurse may have printed out a new copy for him. I</p> <p>4 don't know that.</p> <p>5 Q Okay. Yeah, actually if we look at Page -- Exhibit 4,</p> <p>6 this looks like a slightly different version of the</p> <p>7 same letter, just that it first appears as though it</p> <p>8 has a signature line for a nurse in your office and</p> <p>9 then --</p> <p>10 A Right. She probably printed that off and it came out</p> <p>11 with her name on it so they redid it with my signature</p> <p>12 on it, would be my guess. That is my nurse, and she</p> <p>13 would take care of an issue like that.</p> <p>14 Q You don't remember signing this letter?</p> <p>15 A No.</p> <p>16 Q Okay.</p> <p>17 A Again, I suspect that she made this letter and then</p> <p>18 realized it was coming out with her name, redid it</p> <p>19 with my old signature on there.</p> <p>20 Q Got it. Thank you.</p> <p>21 I want to ask you about Deposition Exhibit 8.</p> <p>22 Just let me know when you have it.</p> <p>23 A Okay. I have it.</p> <p>24 Q So this appears as though you referred Dr. -- excuse</p> <p>25 me -- referred Mr. Friedman to Dr. Castillo for -- is</p>	<p style="text-align: right;">18</p> <p>1 A I believe it was Dave Lanser on the call here.</p> <p>2 Q Okay. And can you tell me about those conversations?</p> <p>3 A Yeah, I was upset that I was being pulled into this.</p> <p>4 Q And can you tell me anything else about the</p> <p>5 conversation that you recall?</p> <p>6 A No.</p> <p>7 Q Is that because you can't remember?</p> <p>8 A There wasn't much more to it.</p> <p>9 Q Have you had any other conversations either with</p> <p>10 Mr. Friedman or with his lawyers about the litigation</p> <p>11 and your involvement in it?</p> <p>12 A I think I -- I let Ed know I was not happy with being</p> <p>13 pulled into this, but that was a one-sentence</p> <p>14 conversation.</p> <p>15 Q Do you have any email correspondence with Mr. Friedman</p> <p>16 of any kind?</p> <p>17 A Ed sent me articles that he thinks I might be</p> <p>18 interested in on this topic, but I don't look at them.</p> <p>19 Q On the topic of electromagnetic radiation?</p> <p>20 A I think so, but, again, I don't read them, so I don't</p> <p>21 know exactly.</p> <p>22 Q You don't correspond with him by email?</p> <p>23 A No, generally not. I think I have responded to a</p> <p>24 question about a clinical issue here and there, but</p> <p>25 nothing on this topic.</p>

<p style="text-align: right;">19</p> <p>1 Q Okay. All right. Those are all my questions. Thank</p> <p>2 you very much. I don't know if Mr. Lanser may have</p> <p>3 some questions for you.</p> <p>4 MR. LANSER: I may have just a couple of follow-</p> <p>5 ups. Let me look at my notes. But it will be brief,</p> <p>6 I assure you.</p> <p>7 EXAMINATION</p> <p>8 BY MR. LANSER:</p> <p>9 Q So, yeah, just a few brief follow-ups here,</p> <p>10 Dr. Benton.</p> <p>11 I believe you mentioned when Mr. Taintor was</p> <p>12 questioning you, you mentioned you -- or you</p> <p>13 referenced some distinction between physical and</p> <p>14 mental health; is that correct?</p> <p>15 A Yes.</p> <p>16 Q I believe your -- yeah, I believe you were talking</p> <p>17 about -- you said something along the lines of the EMF</p> <p>18 issues causing Mr. Friedman a lot of stress; is that</p> <p>19 accurate?</p> <p>20 A Yes.</p> <p>21 Q Okay. And stress or other mental health issues like</p> <p>22 that, do those ever -- do those affect your -- the way</p> <p>23 that you go about treating a patient ever? Is that</p> <p>24 something you take into account?</p> <p>25 A That's a little too broad a question. I'm not sure I</p>	<p style="text-align: right;">21</p> <p>1 MS. STURTEVANT: Can I -- are you asking for the</p> <p>2 -- Mr. Friedman's diagnosis, all patients, or just</p> <p>3 him? Maybe if we focus it a bit more, it would be</p> <p>4 helpful.</p> <p>5 MR. LANSER: Yeah, we'll limit it to</p> <p>6 Mr. Friedman.</p> <p>7 BY MR. LANSER:</p> <p>8 Q Do you take into account, you know, his personal</p> <p>9 activities, his diet?</p> <p>10 A I take into account what I think they can tolerate in</p> <p>11 terms of physical tolerance, mental tolerance, how</p> <p>12 well they're going to tolerate side effects, mental</p> <p>13 state's important in that. So, yes, I do take those</p> <p>14 things into account.</p> <p>15 Is Mr. Connolly still part of this phone call or</p> <p>16 has he signed off at this point? I don't like having</p> <p>17 a black --</p> <p>18 MR. CONNOLLY: I apologize, Dr. Benton. In the</p> <p>19 home world, we have kids and stuff running around so I</p> <p>20 just take them off the screen.</p> <p>21 BY MR. LANSER:</p> <p>22 Q Are there any -- as far as Mr. Friedman, do you take</p> <p>23 into account environmental factors that might affect</p> <p>24 his diagnosis?</p> <p>25 A Not -- in terms of my choice of treatment?</p>
<p style="text-align: right;">20</p> <p>1 understand it in that case.</p> <p>2 Q Yeah, it was not a very well-phrased question.</p> <p>3 I guess what I'm getting at is when you're</p> <p>4 forming basically a treatment plan for a patient, you</p> <p>5 take into account patient opinions, patient's mental</p> <p>6 health, that sort of thing?</p> <p>7 A Yes.</p> <p>8 Q Is there any cure for Mr. Friedman's diagnosis?</p> <p>9 A No, therapy is really based on maintaining --</p> <p>10 maintaining the disease, control it, but not cure it.</p> <p>11 Q Okay. So basically for Mr. Friedman -- it's fair to</p> <p>12 say the goals of the treatment of Mr. Friedman is just</p> <p>13 to, you know, try to keep things status quo as much as</p> <p>14 possible, maintain as it as best as you can?</p> <p>15 A Correct. We refer to that as palliative treatment</p> <p>16 because it's not curable intent treatment, but</p> <p>17 palliative doesn't mean end of life either.</p> <p>18 Q Sure. Do you take into account factors such as a</p> <p>19 patient's diet or activities, things like that when</p> <p>20 assessing the plan of treatment?</p> <p>21 A Ask that again, David.</p> <p>22 Q Yeah, I'm just asking if a patient's -- just as an</p> <p>23 example, external factors, such as their diet or their</p> <p>24 physical activities, is that something that you take</p> <p>25 into account in a plan of treatment?</p>	<p style="text-align: right;">22</p> <p>1 Q Yeah.</p> <p>2 A No, I did not.</p> <p>3 Q And when we looked very briefly at Exhibit 9, which</p> <p>4 was the letter from the National Cancer Institute</p> <p>5 that's in the file, and then you also mentioned some</p> <p>6 other studies that he had sent to you and you hadn't</p> <p>7 read, does -- is it fair to say Mr. Friedman is pretty</p> <p>8 well-read on the topic as far as you understand it?</p> <p>9 MS. STURTEVANT: Objection to foundation.</p> <p>10 A I don't know. You would have to ask Mr. Friedman.</p> <p>11 BY MR. LANSER:</p> <p>12 Q What are Mr. Friedman's primary symptoms?</p> <p>13 A From his disease or from his treatment?</p> <p>14 Q Good distinction. Let's start with the disease and</p> <p>15 then treatment.</p> <p>16 A From his disease, it was really just fatigue and</p> <p>17 anemia or anemia causing fatigue or anemia -- or</p> <p>18 lymphoma causing anemia and fatigue. You can't tell</p> <p>19 the difference really. That was the presentation in</p> <p>20 2013. Since then I don't think he's had any symptoms</p> <p>21 from his disease and all the symptoms he has</p> <p>22 experienced have been side effects of -- not all, but</p> <p>23 there are some symptoms he's had that were side</p> <p>24 effects of the treatment.</p> <p>25 Q Okay. Great. And what are the side effects of the</p>

<div>23</div> <div>1 treatment generally?</div> <div>2 A He's had hypertension and easy bruising, minor trauma</div> <div>3 causing easy bruising.</div> <div>4 Q Do patients ever self-report symptoms?</div> <div>5 A That's the only person who could report a symptom.</div> <div>6 Signs -- I mean, the doctor determines the symptoms</div> <div>7 your patient complains of. That's the definition of a</div> <div>8 symptom, self-complaint.</div> <div>9 Q Okay.</div> <div>10 A Which hypertension is something I diagnosed, so I</div> <div>11 guess that would be a sign, right.</div> <div>12 Q Sure. Something like fatigue would be something that</div> <div>13 would be self-reported generally?</div> <div>14 A Correct.</div> <div>15 Q I don't have any further questions either. Thank you,</div> <div>16 Dr. Benton.</div> <div>17 A Okay.</div> <div>18 MR. TAINTOR: I have no other questions. Thanks.</div> <div>19 (The deposition was concluded at 9:17 a.m.)</div> <div>20 (Read and sign was sent to Ms. Sturtevant.)</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div>	<div>25</div> <div>1 <u>SIGNATURE PAGE</u></div> <div>2 I, DAVID C. BENTON, M.D., have read the foregoing</div> <div>3 pages of my transcript or have had the foregoing pages</div> <div>4 of my testimony read to me and have noted any changes</div> <div>5 in form or substance of my testimony, together with</div> <div>6 their respective corrections and the reasons</div> <div>7 therefore, on the following errata</div> <div>8 sheet(s).</div> <div>9 _____</div> <div>10 DAVID C. BENTON, M.D.</div> <div>11 _____</div> <div>12 (Date)</div> <div>13</div> <div>14 *****</div> <div>15</div> <div>16 TO BE COMPLETED BY NOTARY PUBLIC OR ATTORNEY:</div> <div>17 I, a Notary Public/Attorney in and for the State</div> <div>18 of Maine, hereby acknowledge that the above-named</div> <div>19 witness personally appeared before me, swore to the</div> <div>20 truth of the foregoing statements and affixed his/her</div> <div>21 signature above as his/her true act and deed.</div> <div>22 _____</div> <div>23 (Date)</div> <div>24 My commission expires:</div> <div>25</div>
<div>24</div> <div>1 <u>CERTIFICATE</u></div> <div>2 I, Melissa L. Merenberg, RPR, a Notary Public in</div> <div>3 and for the State of Maine, hereby certify that</div> <div>4 the within-named deponent was sworn to testify to</div> <div>5 the truth, the whole truth, and nothing but the</div> <div>6 truth, in the aforementioned cause of action.</div> <div>7 I further certify that this deposition was</div> <div>8 stenographically reported by me and later reduced</div> <div>9 to print through computer-aided transcription and</div> <div>10 that the foregoing is a full and true record of</div> <div>11 the testimony given by the deponent.</div> <div>12 I further certify that I am a disinterested</div> <div>13 person in the event or outcome of the above-named</div> <div>14 cause of action.</div> <div>15 IN WITNESS WHEREOF, I subscribe my hand and</div> <div>16 affix my seal this 3rd day of February, 2022.</div> <div>17</div> <div>18</div> <div>19 <u>/s/ Melissa L. Merenberg</u></div> <div>20 MELISSA L. MERENBERG, RPR</div> <div>21 NOTARY PUBLIC</div> <div>22 Court Reporter</div> <div>23</div> <div>24 My commission expires: February 28, 2022.</div> <div>25</div>	<div>26</div> <div>1 <u>ERRATA SHEET INSTRUCTIONS</u></div> <div>2 Please note on the errata sheet below any</div> <div>3 changes in form or substance to your testimony</div> <div>4 contained in your deposition transcript. For each</div> <div>5 change, list the page and line number, the words you</div> <div>6 wish to change, the change, and the reason for the</div> <div>7 change; ex: Typo, wrong word, word omitted, etc. be</div> <div>8 sure to sign the errata sheet. You must also sign the</div> <div>9 signature page and have it notarized. Please return</div> <div>10 the errata sheet and signature page to the attorney</div> <div>11 mentioned on the cover letter.</div> <div>12</div> <div>13 _____</div> <div>14 Page/Line: Words to Change: Changed to: Reason:</div> <div>15 _____</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22 _____</div> <div>23 Signature of Deponent</div> <div>24</div> <div>25</div>

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4 February 3, 2022
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6 RE: Ed Friedman v. Central Maine Power Company.

7 Deposition of: David C. Benton, M.D.
8

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